

R. Scott Greathead (RSG 7824)  
Wiggin and Dana LLP  
450 Lexington Avenue  
New York, New York 10017  
(212) 490-1700

*Attorneys for Defendant*  
Yale University

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

ALEXANDRA GERENA and CONSTANCE GERENA,	:	ECF Case
Plaintiffs,	:	No. 07-Civ. 3976
	:	(LBS/GWG)
against	:	
GREGORY KORB and YALE UNIVERSITY,	:	<b>REPLY DECLARATION</b>
	:	<b>OF</b>
Defendants.	:	<b>JEFFREY R. BABBIN IN</b>
	:	<b>FURTHER SUPPORT OF</b>
	:	<b>MOTION TO DISMISS</b>
	:	<b>OR TRANSFER</b>

----- X

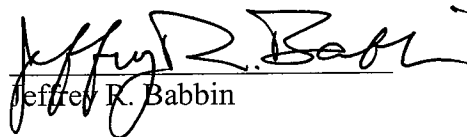
**Jeffrey R. Babbin**, under penalty of perjury, declares as follows:

1. I am a partner in the law firm of Wiggin and Dana LLP. My office is in New Haven, Connecticut, from which I have regularly represented Yale University ("Yale") on numerous matters in the state and federal courts of Connecticut. I am a member of the state and federal bars of Connecticut and the District of Columbia. My law partner, R. Scott Greathead, who practices in my firm's Manhattan office, is counsel of record for Yale in this action. I make this reply affidavit in further support of Yale's motion to dismiss the complaint herein or in the alternative to transfer the action to the United States District Court for the District of Connecticut. The statements herein are based on my own personal knowledge.

2. This action was removed by Yale from state court to federal court on May 22, 2007. One June 1, 2007, I was informed by Mr. Greathead that plaintiffs' counsel, David Rabin, had attempted to reach him by phone but that he was unavailable to return the call. As a courtesy to Mr. Rabin, I returned the call on that same day, June 1, 2007. Mr. Rabin asked me if Yale, by having removed the action before plaintiffs had effected service of process, was deeming itself served so he could dispense with service. I informed Mr. Rabin that removal did not dispense with any requirement to serve process. Mr. Rabin then said to me that he would go forward with service of process by sending a process server to Yale University and asked me who at Yale should be served. I informed Mr. Rabin that it was best for him to have the process server go to Yale's Office of General Counsel located at 2 Whitney Avenue, New Haven, Connecticut. The phone call then ended. I have had no other communications with plaintiffs' counsel since June 1, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New Haven, Connecticut, on this 5<sup>th</sup> day of December, 2007.

  
Jeffrey R. Babbin

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 5, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system. In addition, pursuant to Federal Rule of Civil Procedure 5 and Local Civil Rule 5.3, I certify that, on December 5, 2007, a copy of the foregoing has been mailed, by overnight delivery service, to the following:

David Rabin, Esq.  
Rabin Law Office  
3889 Crompond Road  
Cortlandt Manor, NY 10567

Richard Emery, Esq.  
Emery Celli Brinckerhoff & Abady LLP  
75 Rockefeller Plaza, 20th Floor  
New York, NY 10019

/s/ R. Scott Greathead  
R. Scott Greathead (RSG 7824)